

[MEMORANDUM CIRCULAR NO. 10, S. 2018, June 19, 2018]

GUIDELINES ON THE RESUMPTION OF THE DEPLOYMENT OF DOMESTIC WORKERS TO KUWAIT

Adopted: 13 June 2018
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Pursuant to the Agreement on Employment of Domestic Workers between the Government of the Republic of the Philippines and the Government of State of Kuwait ("Agreement"), signed on 11 May 2018, and Administrative Order No. 254-A, Series of 2018, signed by Secretary Silvestre H. Bello III lifting the deployment ban for domestic workers to Kuwait and in compliance with Governing Board Resolution No. 02, Series of 2018 on the resumption of deployment of domestic workers to Kuwait, the following guidelines are hereby adopted.

The Philippine Recruitment Agencies (PRAs) and principals shall comply with the following:

A. Medical Fitness and Work-Readiness of Domestic Workers

1. Only medically fit domestic workers free from infectious/transferable diseases, as certified by medical clinics accredited by the Department of Health to conduct medical examination for OFWs, shall be deployed for overseas employment;
2. Only domestic workers within the allowable age; properly trained in accredited training institutions; and properly certified on household work and received satisfactory orientation on Kuwaiti law, customs, traditions, mores, and values shall be deployed;
3. PRAs shall ensure that their workers are cognizant of the terms and conditions of their employment contracts and oblige them to strictly observe Kuwaiti laws, morals, ethics and customs while in Kuwait;
4. PRAs shall allow their domestic workers to undergo training in a training center of workers' own choice except if PRAs pay for their domestic workers' training costs. Training centers with Technical Education and Skills Development Authority (TESDA) approved curriculum for domestic work shall only charge reasonable training costs and ensure livable and sanitary accommodations for their trainees. This is without prejudice to the issuance of separate guidelines for the regulation and monitoring of training centers for domestic workers;
5. Only domestic workers with good behavior and without criminal

record as certified by the National Bureau of Investigation (NBI) shall be deployed.

B. Prohibitions on Unauthorized Fees

PRAs, including Foreign Placement Agencies (FPAs) and Employers, shall neither collect unauthorized fees nor impose charges to the salaries of domestic workers in connection with the workers' recruitment and employment.

C. Access to Legal Assistance, Communication and Dispute Settlement Mechanisms

1. Domestic workers shall have free access to legal assistance and counseling from concerned offices of both the Kuwaiti and Philippine government. For this purpose, the PRAs shall provide the contact details of the responsible government offices;
2. Domestic workers shall be allowed to possess and use a mobile phone or other communication devices to communicate with the workers' family and the authorities. The employers are prohibited from confiscating the workers' mobile phone and other communication devices;
3. The employer shall not retain any of the domestic workers' personal identity documents such as, but not limited to their passports. A passport is the property of the Philippine government and should not be in the possession of the employer;
4. The contracting parties shall have the right of recourse to competent authorities in case of contractual disputes in accordance with applicable laws, rules and regulations.

D. Renewal of Contract or Transfer of Employer

1. After the domestic worker has completed the employment contract, no domestic worker shall be compelled to continue working for any direct employer;
2. If the worker opts to renew her/his contract or to continue working but with a new employer, the domestic worker shall be presented to POLO for the confirmation of his/her consent, and the verification of the renewal or new employment contract, as the case may be;
3. In cases where the worker, without completing the employment contract but with the consent of the current employer, finds a new employer, the domestic worker shall be presented to POLO for the confirmation of his/her consent, and the verification of the new employment contract.

E. Escrow Deposit, Accreditation of Principals and Documentation of Workers

1. Foreign Placement Agencies (FPAs) hiring domestic workers shall, as condition for their accreditation or the renewal of their accreditation, put